

MINUTES
SOLID AND HAZARDOUS WASTE CONTROL BOARD TELECONFERENCE
MEETING
MARCH 6, 2003

Board Members Present:

Richard White, Chairman; Judy Lever, Vice-Chair, Dianne Nielson; Joe Melling; Craig Anderson; Cullen Battle; Lowell Peterson; Bill Doucette; David Cunningham; Cullen Battle; Scott Widmer; Ken Alkema, Tom Probert.

Staff Members Present:

Dennis R. Downs, Executive Secretary; Marilyn Ratcliffe; Otis Willoughby; Don Verbica; Scott Anderson; George Lukes.

Others Present:

Judy Fayer, Mike Keene, Dan Shrum, Allan Ericksen, Tim Orton, Cindy King.

- I. The meeting was called to order at 2:30 P.M.
- II. Variance request by Envirocare for approval of the proposed treatability study

Richard White informed the Board that the meeting today was to address Envirocare's request for variance concerning the Vacuum Assisted Thermo Desorption unit at their facility in the west desert. The regulations are written to allow treatability studies without any special permitting for a quantity of up to 250 kilograms per day. Envirocare has requested that that be exceeded in order to evaluate this particular process. Mr. White wanted to make sure that everyone understood that discussions should be limited to the variance request. Any issues related to the permit in general will be public noticed during the review of the permit once the draft permit is issued.

Ken Alkema declared a conflict of interest and informed Mr. White that he would not be participating in discussion or voting.

Don Verbica addressed the Board, and explained that the item before the Board today is strictly to address the variance from the rules from the treatability of 250 kilograms per day, to about 18,000 kilograms. A public comment period was held and comments were received. Division staff members have addressed these comments and submitted them to the Board by e-mail and fax. After reviewing the comments and all the information, Mr. Verbica recommended that the Board approve this variance request.

Cindy King was also present, and she read from a lengthy transcript that she had written. Richard White asked Ms. King if she would give the Board a copy of her transcript. Ms. King agreed to e-mail a copy of her transcript to Marilyn Ratcliffe, Mr. Down's Administrative Secretary. Throughout Cindy's presentation, she often referred to UAC 19-6-108 in her comments.

Mr. White asked Richard Rathbun, Attorney General's Office, to address the UAC 19-6-108 issue that Ms. King brought up. Mr. Rathbun informed the Board that he had looked at the response to comments that the Division prepared and their response to Ms. King's earlier written comments on this issue. In reviewing the response made by the DSHW, he stated that they were correct. It appeared to him that what is being asked in this case was not a new operation plan, as contemplated by UAC 19-6-108. Mr. Rathbun was inclined to agree with the Division staff's analysis.

Mr. White asked if there is anything in UAC 19-6-108 that would apply specifically to the quantity variance requested by Envirocare, or in any other way specifically relate to treatability studies. Mr. Rathbun was not aware of anything that specifically addresses this subject.

Judy Lever asked if Mr. Rathbun knew if this process has been approved in other places for similar kinds of things.

Bill Doucette researched this process a little and found that it had been used by another vendor for seven RCRA, or TOSCA tests, and four additional RCRA tests using mixed waste. This information was dated 1997 and the tests were performed several years previous to this report. Mr. Doucette pointed out that there is a lengthy history of the use of this technology in treating both organics and mixed waste.

Dave Cunningham asked if Envirocare could give an estimate on the length of time required for these studies, and second; would there be another public comment period before any changes are made to their current operation standards.

Richard White answered the second question first and stated that there would be another public comment period, because that would be a part of the permit modification request that is still being processed. As far as the time frame for these studies, it will take place for 30 days.

Judy Lever asked the Division what the original objective was of the existing requirements, and what the reasons are that they feel that the variance does not go contrary to the original objective.

Don Verbica responded that if you look at the definition of treatability study, one thing they address is batch process. In this case, Envirocare has recommended a batch process. As Division Staff reviewed their request, it appeared that that would be a reasonable variance to see if the unit actually can perform as indicated.

Ms. Lever asked what precautions had been taken to assure protection of the environment and human health. Mr. Verbica informed the Board that, although not required to do so, Envirocare has completed a risk assessment on this unit as part of the permitting process. This has been evaluated by Division staff, and determined that the risk level is acceptable.

Richard White added that the Risk Assessment would have addressed long-term full scale operations. Mr. White asked Don Verbica if Envirocare had submitted everything that they

were required to submit under this variance request. Mr. Verbica answered in the affirmative.

Cullen Battle asked if the process proves out as far as the treatability process goes, and if it would then lead to new operations at Envirocare, requiring a new operational plan? Mr. Verbica explained that it would not. The determination was made that it is a sub-part X unit, which is part of the Rules as they stand. Mr. Verbica had talked with Fred Nelson, Attorney General's Office, concerning this issue and reviewed with him the Division's decision to approve Envirocare's request. Mr. Nelson agreed with the Division's decision and stated that if it is a different physical location, or if it is an incineration process, then UAC 19-6-108 would come into affect. This process would not be considered an incineration process because it doesn't use oxygen; it absorbs it.

Mr. Battle also asked what Envirocare would need to do in order to bring this process on full scale. Mr. Verbica responded that they would need to complete the Class III modification that has been out for the 60-day public comment period. Then the Division will evaluate all of the information received and propose a draft permit modification, which will go out for a public comment period, including the final conditions for that unit. George Lukes added that when the Class III modification goes out for final comment, and if it is approved, all that does is give Envirocare authorization to make tests that show whether the unit is capable of doing what it is supposed to do. At that point, Division staff members will evaluate the information, and if it meets all of the rules, Envirocare would have to submit a Class I modification requesting to process that kind of waste. They would then give all of the different variables that would be required to permit the operation. Nothing will be prejudged by approving this request; rather it will give Division staff more information.

Mr. White summarized by saying that the treatability tests will provide information to assist in designing the demonstration test requirements, which provides information to assist in developing full-scale operational parameters. Each phase helps to determine if someone ought to move on to the next phase and what conditions ought to be put into that next phase.

*****It was motioned by Bill Doucette and seconded by Joe Melling, and majority ruled that the Board approve the variance request to exceed the treatability study quantity of 250 kilograms per day and make it up to 18,000 kilograms per day, not to exceed 30 days. Ken Alkema abstained from voting due to conflict of interest.**

III. Legislative Issues - Dennis Downs

A. SB 172 - Sponsored by Senator Bramble

This bill created a legislative task force to study for the next two years those issues associated with radioactive waste disposal, hazardous waste disposal, and solid waste disposal within the State, and the fees and taxes associated with those varying kinds of waste. Our Division will be requested to provide information for this task force. As information is gathered, it will be presented to the Board to keep them apprised of what is going on through out that process.

B. SB 146 - Sponsored by Senator Bill Wright

This bill was initiated to help replenish the Environmental Quality Restricted Account. There are no monies in the General Fund for the Division of Solid and Hazardous Waste. They get their budget strictly through the restricted account, fees, and an EPA grant.

This bill put a fee on construction and demolition wastes going to commercial construction and demolition waste landfills. A fee of .50 a ton will be in place.

It also put .50 a ton fee on non-hazardous solid wastes that are disposed at facilities that are under contract to local government.

This bill also assessed an operating fee and details need to be worked on this portion, but a graduated fee will be placed on solid waste facilities, municipal type landfills, which are owned and operated by governmental entities such as cities, counties and districts. There will be a flat fee per year, depending on the tonnage disposed at those facilities. The largest fee would be, i.e., the Salt Lake Valley Landfill, which is operated by Salt Lake City and County and is by far the largest facility in the State, would end up paying around \$60,000.00 for one year, and the fee would go down from there for the smaller facilities. The very small landfills located out in the rural areas, who deal with 5,000 tons per year or less, would not be required to pay anything.

C. HB 286 - Sponsored by Representative David Ure

Deals with radioactive waste and hazardous waste. At low level radioactive waste industries, such as Envirocare, fees will go from \$.10 to & \$.15 per cubic foot for low level radioactive wastes.

The hazardous waste fees will all be \$28.00 per ton. This would impact primarily the Grassy Mountain Landfill owned by Clean Harbors, located in Tooele County. These fees go into the Environmental Quality Restricted Account.

Also, there is a 3% tax on the gross receipts of hazardous waste disposal at commercial hazardous waste facilities. These monies would go into the uniform school fund.

When the Division gets the final copies of these bills, a copy will be mailed to the Board.

III. Adjourned at 3:25 p.m.